

### **REMARKS**

Claims 1-8 were previously pending in the application. By the Amendment, Claims 1, 3-4 and 8 are currently amended and Claims 2 and 5-7 remain unchanged.

Claims 3 and 4 are rejected under 35 USC §112 as being indefinite. Applicants have amended Claims 3 and 4 to more clearly define the invention and overcome the indefinite rejections.

The claims stand rejected under the cited prior art of record. Specifically, Claims 1 and 3 are rejected under 35 USC §102(b) as being anticipated by Schorn (US 6,814,321). Claims 1, 3 and 8 are rejected under 35 USC §102(b) as being anticipated by McClean (US 5,551,335). Claims 1, 2, 4 and 7 are rejected under 35 USC §102(b) as being anticipated by Wu (US 6,676,052). Claims 1, 2 and 6 are rejected under 35 USC §102(b) as being anticipated by Enders (US 3,262,474). Claim 5 is rejected under 35 USC §103(a) as being unpatentable over Lapps (US 2,481,848) in view of Truitt (US 2,138,716).

Schorn and Wu are not prior art for the present application and Applicants respectfully request that the Examiner withdraws the corresponding rejections under 35 USC §102(b) based on Schorn and Wu. The present application was filed on March 1, 2004 and claims priority to International Application No. PCT/EP02/09465 filed on August 23, 2002 and German Application No. DE 101 42 505.8 filed on August 30, 2001. As quoted by the Examiner, 35 USC §102(b) states the following:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Schorn (US 6,814,321) issued on November 9, 2004. Schorn is not prior art because it was not published more than one year before the priority date for the present application. Furthermore, the published patent application of Schorn (2003/0010853) is not prior art for the present application under 35 USC §102(b) and Schorn is not prior art

for the present application under 35 USC §102(e). Therefore, Applicants request withdrawal of the rejection of Claims 1 and 3 under 35 USC §102(b) based on Schorn.

Wu (US 6,676,052) issued on January 13, 2004. Wu is not prior art because it was not published more than one year before the priority date for the present application, so. Furthermore, the published patent application of Wu (2003/0047630) is not prior art for the present application under 35 USC §102(b) and Wu is not prior art for the present application under 35 USC §102(e). Therefore, Applicants request withdrawal of the rejection of Claims 1, 2, 4 and 7 under 35 USC §102(b) based on Wu.

Independent Claim 1 recites a motorized kitchen appliance, comprising: a housing having a cylindrical outer wall with at least two recesses formed in the outer wall, said recesses having openings in the outer wall; and a drive unit having a motor disposed within the housing and projections matching a shape of said openings and projecting through said openings.

McClean discloses a citrus juicer having two juice cones (15, 16) and a container (11). McClean does not disclose, among other things, “a cylindrical outer wall with at least two recesses formed in the outer wall, said recesses having openings in the outer wall,” as recited in Claim 1. Rather, McClean includes apertures formed in the bottom surface of the container, not a cylindrical outer wall. Therefore, McClean does not disclose all the elements of the claimed invention.

For these and other reasons, McClean does not disclose the subject matter defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-7 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Enders discloses a hole saw assembly having a hole saw blade (18) connected to a driving body (11) and drill. First, Enders does not disclose “a motorized kitchen appliance,” as recited in Claim 1. The hole saw assembly of Enders is an attachment for a drill and relates to power tools, it is not a kitchen appliance. Second, Enders does not disclose, among other things, “a drive unit having a motor disposed within the housing and projections matching a shape of said openings and projecting through said openings,” as recited in Claim 1. The hole saw assembly of Enders does not disclose any type of

motor, let alone a motor disposed within the housing. Therefore, Enders does not disclose all the elements of the claimed invention.

For these and other reasons, Enders does not disclose the subject matter defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-7 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Independent Claim 8 recites a motorized kitchen fruit press, comprising: a housing having a cylindrical outer wall with at least two recesses formed in the outer wall, said recesses having openings in the outer wall; a drive unit having a motor disposed within the housing and projections matching a shape of said openings and projecting through said openings; and a rotating element driven by said drive unit for pressing fruit.

As described above in relation to Claim 1, McClean does not describe, among other things, “a cylindrical outer wall with at least two recesses formed in the outer wall, said recesses having openings in the outer wall.” Claim 8 also recites “a cylindrical outer wall with at least two recesses formed in the outer wall, said recesses having openings in the outer wall,” so the same arguments above in relation to Claim 1 also apply to Claim 8. Therefore, McClean does not disclose all the elements of the claimed invention.

For these and other reasons, McClean does not disclose the subject matter defined by independent Claim 8. Therefore, Claim 8 is allowable.

### CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 1-8 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. Please note that Applicants have changed representation and are now represented by new counsel. The formal Revocation of Power of Attorney / New Power of Attorney and Change of Correspondence Address documents will be forthcoming.

Craig J. Loest

Name of Attorney Signing under 37 CFR 1.34

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig J. Loest", with a stylized flourish at the end.

Craig J. Loest

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